

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

THELMA L. HEWLETT,

Plaintiff,

v.

Case No. 3:15-cv-00553

PERMANENT GENERAL ASSURANCE
CORPORATION AND S&M AUTO
SERVICE, LLC,

Defendant.

MOTION TO DISMISS

NOW COMES Defendant Permanent General Assurance Corporation (“Permanent General”), by counsel, pursuant to Federal Rule of Civil Procedure 12(b)(6) and moves this Court to dismiss, with prejudice, the claims filed against it by Plaintiff in the Amended Complaint and the Second Amended Complaint (ECF Docs. 9 and 11). Plaintiff fails to state a claim upon which relief can be granted and fails to allege facts sufficient to establish a legally cognizable cause of action. Permanent General relies upon, and incorporates, its Brief in Support of the Motion to Dismiss as if fully set forth herein.

WHEREFORE, Defendant Permanent General Assurance Corporation respectfully requests that this Court enter an Order granting the Motion to Dismiss, dismissing claims against it with prejudice, and award costs and attorney fees incurred in this matter.

“ROSEBORO NOTICE”---THIS CASE COULD BE DISMISSED

Consistent with the requirements of Local Civil Rule 7(K) and Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), the following advises the *pro se* plaintiff, Thelma L. Hewlett, that:

1. She is entitled to file a response opposing the Motion to Dismiss and the Brief in Support of the Motion to Dismiss filed by Permanent General Assurance Corporation. Any such response must be filed with the United States District Court for the Eastern District of Virginia, Richmond Division, within twenty-one (21) days of the date on which the motion and brief in support are filed;

2. The Court could dismiss this action on the basis of Permanent General Assurance Corporation's moving papers if she does not file a response;

3. She must identify all facts stated by Permanent General Assurance Corporation with which she disagrees and must set forth her version of the facts by offering affidavits (written statements signed before a notary public and under oath) or by filing sworn statements (bearing a certificate that it is signed under penalty of perjury); and

4. She is entitled to file a legal brief in opposition to the brief filed by Permanent General Assurance Corporation.

**PERMANENT GENERAL
ASSURANCE CORP.**

By Counsel

/s/_____
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C E R T I F I C A T E

I hereby certify that on the 9th day of June 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and I hereby certify that I have mailed by United States Postal Service the document to the following:

Thelma L. Hewlett, Plaintiff *pro se*
P.O. Box 61013
Richmond, VA 23261
804-937-6427

/s/ _____
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